

Remarks/Arguments:

Claims 1-17 are presently pending in this application, with claims 1-9 having been withdrawn from consideration. The Examiner is thanked for the courtesy of the telephone interview conducted on 11 October 2005. During the interview, claim 10 was discussed. In particular, Examiner Nguyen instructed the applicant's attorney to provide a written response laying out the arguments presented during the interview and, if so, it was very likely that favorable consideration of this application would be given.

Claims 10-17 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,872,998 to Dausman ("Dausman") in view of U.S. Patent No. 5,078,965 to Pearson ("Pearson"). In the Office Action, the Examiner stated that Dausman discloses an apparatus for forming palletized fertilizer from sludge material, comprising a raw material ventilation system including a scrubber for treating air by removing dust and odor produced from the materials, a dryer connected to the ventilation system and a pelleting system for producing pelletized material. The Examiner stated that the apparatus further comprises a fully automated control means for starting up and shutting down different components. The Examiner concluded that it is inherent that the apparatus is capable of starting the ventilation process by the ventilation system in the dryer for removing some of the dust and odor prior to starting the heat drying process by running heating fluid through a hollow hub located within the dryer. The Examiner stated that Dausman further discloses an odor control system connected to the scrubber and the fan, but fails to disclose a filter. The Examiner further stated that Pearson discloses an apparatus for treatment of waste material connected to a ventilation/filtration system having a fan connected with a filter for treating the gases from the hopper before exhausting into the atmosphere. The Examiner concluded that it would have been obvious to one of ordinary skill in the art to modify Dausman by replacing the odor control system with a ventilation/filtration system connected to a filter as taught by Pearson. Applicant respectfully traverses this analysis and conclusion.

Claim 10 recites, *inter alia*, a poultry litter fertilizer manufacturing system comprising a raw material ventilation system, a dryer system, and a pelleting system. The ventilation system comprises a filter and a scrubber for treating air by removing dust and odor produced from raw material from the air prior to drying the raw material. The dryer system is connected to the ventilation system to receive the ventilated raw material for pasteurizing the raw material comprising poultry litter, drying the pasteurized material to form a dry material, and reducing the dried material to a powder. The dryer system is structurally ordered in the manufacturing system so as to receive the raw material after the raw material is treated by the raw material ventilation system. The pelleting system produces granular and homogenized pellets from the powder.

Raw material in the form of poultry litter is transported to a manufacturing plant for processing into fertilizer. The litter includes both wet and dry material. The dry material may include dust that can be kicked up into the air. Further, the litter gives off a noxious odor due to its high ammonia content. The dust and odor can be inhaled by workers at the plant, posing a health risk to those workers. Further, the ammonia that becomes airborne may rest on structural portions of the manufacturing plant, potentially reacting with the steel and other material that comprises the structural portions and wearing away the structural portions, reducing the lifetime of the plant building itself. The presently claimed invention is structurally ordered with the ventilation system structurally ahead of the drying system and the pelleting system to take out the dust and odor as soon as the litter is deposited into the manufacturing plant and before any other processes are performed on the litter.

Dausman, on the other hand, discloses a dryer 11 structurally located before the ventilation system (fan 15). The fan 15 is used to pull the air containing dust and water vapor through the dryer 11 (emphasis added). Col. 5, lines 12-13. The water vapor is generated by drying sludge in the dryer 11. It is inherent in Dausman, therefore, that the dryer be structurally located before the ventilation system so that the water vapor can be produced by the drying process prior to being pulled out by the fan 15.

In the Office Action, the Examiner suggested that Dausman's ventilation system may be started prior to the drying process. Assuming, *arguendo*, that it is possible to start Dausman's ventilation system prior to starting the drying process, doing so still does not meet the claimed limitation of the dryer system being located structurally to receive the raw material after the raw material is treated by the ventilation system. One must insert the raw material into Dausman's dryer first, whether the drying step is the first process to be performed or whether the ventilation step is the first process to be performed. Therefore, the drying system cannot be structurally located to receive the raw material after the raw material is treated by the raw material ventilation system.

Neither Dausman, nor the combination of Dausman and Pearson, as suggested by the Examiner, provides the structure as claimed in claim 10. Thus, even if Dausman were to be combined with Pearson, the provision of the dryer system being structurally ordered in the manufacturing system so as to receive the raw material after the raw material is treated by the raw material ventilation system is not disclosed or suggested by the references.

For all of the above reasons, Applicant respectfully submits that the rejection of claim 10 is improper and requests reconsideration and allowance. Claims 11-17 all depend, either directly or indirectly, from claim 10, and Applicant respectfully submits that claims 11-17 are patentable over the cited prior art for at least the same reasons as set forth above with respect to claim 10.

Conclusion

Based on the arguments above, Applicant respectfully submits that claims 10-17 are patentable over the cited prior art. Reconsideration and allowance of claims 10-17 is respectfully requested.

Respectfully submitted,


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